

SENATE BILL 201

Unofficial Copy
A2

2004 Regular Session
4r1665
CF 4r2217

By: **Chairman, Baltimore County Senators**
Introduced and read first time: January 27, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages - Hunt Valley Commercial/Mixed**
3 **Use Focal Point**

4 FOR the purpose of authorizing the Baltimore County Board of License
5 Commissioners to transfer a certain number of beer, wine and liquor (on-sale)
6 retail alcoholic beverages licenses in existence in Election District 15 into the
7 Hunt Valley Commercial/Mixed Use Focal Point; requiring the licenses to be
8 converted into Class B (HV) restaurant beer, wine and liquor licenses; providing
9 for certain restrictions, qualifications, and conditions with respect to the
10 licenses and the establishments subject to the licenses, including hours of
11 operation, percentage of receipts from the sale of food, seating capacity, zoning
12 regulations, and other requirements; prohibiting the transfer of a license issued
13 under this Act to a new location other than the original location; and generally
14 relating to alcoholic beverages licenses in Baltimore County.

15 BY adding to
16 Article 2B - Alcoholic Beverages
17 Section 8-204.4
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 2B - Alcoholic Beverages**

23 8-204.4.

24 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

25 (B)(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS AND
26 IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE UNDER THIS ARTICLE,
27 THE BOARD OF LICENSE COMMISSIONERS MAY AUTHORIZE THE TRANSFER OF TWO
28 BEER, WINE AND LIQUOR (ON-SALE) RETAIL LICENSES IN EXISTENCE IN ELECTION
29 DISTRICT 15 ON JULY 1, 2004, AND VALID ON THE DATE OF TRANSFER INTO THE

1 "HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT" AS DESIGNATED IN THE
2 HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY
3 COUNCIL ON OCTOBER 19, 1998.

4 (2) A LICENSE TRANSFERRED UNDER THIS SECTION:

5 (I) MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT IS
6 PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER
7 THAN CROSSING DISTRICT LINES;

8 (II) SHALL BE CONSIDERED A REGULAR LICENSE AND NOT AN
9 EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF
10 LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON THE RULE OF THE
11 BOARD OF LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF
12 LICENSES AVAILABLE BY POPULATION;

13 (III) SHALL BE CONVERTED INTO A CLASS B (HV) LICENSE; AND

14 (IV) AS OF THE DATE OF TRANSFER, MAY NOT BE CONSTRUED TO
15 EXIST IN DISTRICT 15.

16 (C) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, THE
17 RESTRICTIONS AND QUALIFICATIONS FOR THE ISSUANCE AND FEE OF THE CLASS B
18 (HV) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL LICENSE UNDER THIS
19 SECTION, THE MINIMUM SQUARE FOOT AREA REQUIREMENT FOR FOOD AND
20 BEVERAGE PREPARATION AND CONSUMPTION IN THE LICENSED ESTABLISHMENT,
21 AND THE DAYS AND HOURS OF SALE FOR THE LICENSED ESTABLISHMENT SHALL BE
22 THE SAME AS THE RESTRICTIONS AND QUALIFICATIONS PROVIDED FOR IN THIS
23 ARTICLE AND IN THE REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS
24 FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT
25 LICENSE.

26 (D) THE FOLLOWING ADDITIONAL REQUIREMENTS APPLY TO THE CLASS B
27 (HV) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL LICENSE
28 ESTABLISHED BY THIS SECTION:

29 (1) THE LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE
30 "HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT" AS DESIGNATED IN THE
31 HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY
32 COUNCIL ON OCTOBER 19, 1998;

33 (2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE
34 OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE
35 REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS;

36 (3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY
37 RECEIPTS FROM THE SALE OF THE FOOD OF AT LEAST 70% OF THE TOTAL DAILY
38 RECEIPTS OF THE ESTABLISHMENT;

1 (4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED
2 PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES
3 MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT;
4 AND

5 (5) SUBJECT TO THE PROVISIONS OF SUBSECTION (H) OF THIS SECTION,
6 THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE
7 EXERCISED MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.

8 (E) THE LICENSE AUTHORIZES ON-PREMISES SALES ONLY.

9 (F) THE PROPOSED PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING
10 REGULATIONS.

11 (G) (1) ONCE ISSUED, THE LICENSE MAY NOT BE:

12 (I) TRANSFERRED TO A NEW LOCATION OTHER THAN THE
13 ORIGINAL LOCATION FOR WHICH THE LICENSE WAS ISSUED; OR

14 (II) CONVERTED INTO ANY OTHER CLASS OF LICENSE.

15 (2) HOWEVER, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT
16 PROHIBIT THE OWNERSHIP OF THE LICENSE TO BE TRANSFERRED.

17 (H) ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY
18 UNTIL 1:30 A.M.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2004.